

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO,
et al.,

(Jointly Administered)

Debtors.¹

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HON. WANDA VÁZQUEZ GARCED (in her official capacity), and THE PUERTO RICO FISCAL AGENCY AND FINACIAL ADVISORY AUTHORITY,

Plaintiff,

Adv. Proc. No. 20-0080-LTS

-v-

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BAORD FOR PUERTO RICO,

Defendant.

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ORDERING DENYING MOTION REQUESTING LEAVE TO FILE AN AMICUS BRIEF

The Court has received and reviewed the *Notice of Appearance and Motion Requesting Leave to File an Amicus Brief* (Docket Entry No. 13717 in Case No. 17-3283, the “Motion”), as well as the *Amicus Brief of Coopharma in Support of Plaintiffs’ Adversary*

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Complaint for Declaratory Relief Related to Act 82 of July 2019 (Docket Entry No. 13717-1 in Case No. 17-3283), filed by Cooperativa de Farmacias Puertorriqueñas (the “Movant”). In the First Circuit, the acceptance of amicus briefs is within the sound discretion of the court. Strasser v. Doorley, 432 F.2d 567, 569 (1st Cir. 1970). Absent joint consent of the parties, a district court “should go slow in accepting, and even slower in inviting, an amicus brief unless, [] a party . . . has a special interest that justifies his having a say, or unless the court feels that existing counsel may need supplementing assistance.” Id.

Movant asserts that it has a special interest in connection with the issues raised in Adversary Proceeding No. 20-0080 (the “Adversary Proceeding”), and that the proffered amicus brief “will assist in the discussion of the law concerning the application of PROMESA’s 48 U.S.C. § 2144 to the facts” at issue in the Adversary Proceeding. (Mot. ¶ 5.) Although Movant’s proffered amicus brief was submitted in support of the Complaint in the Adversary Proceeding, there is no pending motion challenging that Complaint. Accordingly, the proffered amicus brief is not pertinent to the Adversary Proceeding or the broader Title III proceedings at this time.

The Motion is denied without prejudice to a future application in connection with future litigation in the Adversary Proceeding. This Order resolves Docket Entry No. 13717 in Case No. 17-3283.

SO ORDERED.

Dated: July 20, 2020

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge